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JUN 13 2003

ATTEST

FOR THE JUDICIAL PANEL OF
MULTIDISTRICT LITIGATION

ENTERED

JUN 16 2003

SAMUEL L. KAY, CLERK
U. S. District & Bankruptcy Courts
Southern District of West Virginia

DOCKET NO. 1477

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 13 2003

FILED
CLERK'S OFFICE

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE SERZONE PRODUCTS LIABILITY LITIGATION

2:03-0546 Colleen Hackett v. Bristol-Myers Squibb Co., Inc., et al., E.D. Louisiana, C.A. No. 2:03-108
2:03-0547 Eula Hilliard v. Bristol-Myers Squibb Co., Inc., et al., E.D. Louisiana, C.A. No. 2:03-141
2:03-0548 Kisha Neveaux v. Bristol-Myers Squibb Co., Inc., et al., E.D. Louisiana, C.A. No. 2:03-142
2:03-0549 Melinda Rogers v. Bristol-Myers Squibb Co., Inc., et al., E.D. Louisiana, C.A. No. 2:03-190
2:03-0550 Shirley Aguzin v. Bristol-Myers Squibb Co., Inc., et al., E.D. Louisiana, C.A. No. 2:03-194
2:03-0551 Charles Moreau v. Bristol-Myers Squibb Co., Inc., et al., E.D. Louisiana, C.A. No. 2:03-195

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN,
BRUCE M. SELYA,* JULIA SMITH GIBBONS, D. LOWELL JENSEN, J.
FREDERICK MOTZ AND ROBERT L. MILLER, JR., JUDGES OF THE
PANEL**

TRANSFER ORDER

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by the plaintiffs in six Eastern District of Louisiana actions to vacate the Panel's order conditionally transferring the actions to the Southern District of West Virginia for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.¹ Defendant Bristol-Myers Squibb Company opposes the motions to vacate and favors inclusion of the actions in MDL-1477.

On the basis of the papers filed and hearing session held, the Panel finds that these six actions involve common questions of fact with the actions in this litigation previously transferred to the Southern District of West Virginia, and that transfer of these actions to the Southern District of West Virginia for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed

* Judge Selya took no part in this decision with respect to one Eastern District of Louisiana action (Moreau).

¹ The health care defendants in two actions (Rogers and Aguzin) oppose transfer of the respective actions in which they are named as defendants to the extent necessary to preserve their rights under Louisiana law. Any such concerns may be addressed to the transferee judge.

by the Panel in its original order directing centralization in this docket. The Panel held that the Southern District of West Virginia was a proper Section 1407 forum for actions involving claims of liability related to the prescription drug Serzone. *See In re Serzone Products Liability Litigation*, 217 F.Supp.2d 1372 (J.P.M.L. 2002). We note that any motions for remand to state court can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these six actions are transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

INVOLVED COUNSEL LIST
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IN RE SERZONE PRODUCTS LIABILITY LITIGATION

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